



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

DCP/LHE/PTH
F. #2016R00505

*271 Cadman Plaza East
Brooklyn, New York 11201*

October 7, 2019

By ECF

The Honorable Brian M. Cogan
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. David Levy, et al.
Criminal Docket No. 16-640 (BMC)

Dear Judge Cogan:

The government respectfully submits this letter in response to the motion filed by David Levy seeking to exonerate his bond and requesting return of his passport. ECF Docket No. 802 (the “motion”). For the reasons set forth below, the government respectfully submits that Levy’s bond should remain in place with the terms and conditions as currently set.

On Friday, October 4, 2019, the government filed a Notice of Appeal from the Judgment of Acquittal entered as to Levy, and the Order conditionally granting him a new trial. ECF Docket No. 803.¹ The Bail Reform Act provides that in a case in which an appeal has been taken by the United States, a defendant shall be treated in accordance with Section 3142 of the Act, which governs pretrial detention. 18 U.S.C. § 3143(c). Accordingly, Levy should

¹ As it is required to do, the government is currently in the process of seeking authorization from the United States Office of the Solicitor General to pursue an appeal.

remain on pretrial release, as supervised by Pretrial Services, and his bond should not be exonerated nor his passport returned during the pendency of the government's appeal. .

Respectfully submitted,

RICHARD P. DONOGHUE
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cc: Clerk of the Court (BMC) (by ECF)
Defense counsel (by ECF)